

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA

V.

Jose Ismael Lopez
A208 285 352
United States Citizen

YOB:

PRINCIPAL
1979

United States District Court
Southern District of Texas
FILED

JUL 24 2015

Clerk of Court

CRIMINAL COMPLAINT

Case Number:

M-15- -M

1240

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 23, 2015 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact Ricardo Ayala-Quijada, citizen and national of the El Salvador, and , Hilda Beatriz Saguay-Vizhco, citizen and national of the Ecuador, along with four (4) other undocumented aliens, for a total of four (6), who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Rio Grande City, Texas to the point of arrest near Rio Grande City, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On July 23, 2015, a concerned citizen reported to the Rio Grande City Border Patrol Station of a maroon pickup truck and a grey Chrysler picking up undocumented illegal aliens from an empty lot behind the Texas Cafe in Rio Grande City, Texas. Supervisory Border Patrol Agent R. Benitez responded to the call from the Rio Grande City Border Patrol Station and observed a maroon Chevrolet pickup truck with a single occupant, later identified as Jose Ismael LOPEZ, parked in the alley behind the Texas Café. Simultaneously, SBPA Benitez observed LOPEZ signal by hand gesture and three subjects emerge from an empty lot, approach the maroon pickup truck and conversed with the LOPEZ.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved by David A. Lindenmark

[Signature] 7/24/15

[Signature]
Signature of Complainant

Michael K. Garza Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

July 24, 2015

Date

at McAllen, Texas

City and State

Dorina Ramos, U. S. Magistrate Judge

Name and Title of Judicial Officer

[Signature]

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

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RE: Jose Ismael Lopez A208 285 352

CONTINUATION:

After witnessing this, SBPA Benitez approached the vehicle and identified himself as a United States Border Patrol Agent. Upon making contact the female absconded and the male turned himself to SBPA Benitez. The male subject, identified as Ricardo AYALA-Quijada (Material Witness 1) stated to Benitez that more aliens were hiding in the brush. After securing Ayala, SBPA Benitez performed an immigration inspection on Jose Ismael LOPEZ and found that LOPEZ was a United State Citizen. Responding agents searched the area and located five (5) additional undocumented aliens hiding amongst the brush and nearby structures. All subjects were placed under arrest and transported to the Rio Grande City Border Patrol Station for processing.

PRINCIPAL STATEMENT:

Jose Ismael LOPEZ was advised of his Miranda Rights, stated that he understood his rights and was willing to answer questions without an attorney present.

Jose Ismael LOPEZ, a United States Citizen, stated he was in the area to check on his property. LOPEZ claims that his property consists of area from Texas Café to Cuates Barber Shop in Rio Grande City. He further stated that he checks on the property at least two or three times a day because illegal immigrants break into his abandoned properties leaving trash behind. Lopez stated that he has seen only one illegal immigrant on his property but the subject claims that he just told the suspected illegal immigrant to leave. LOPEZ stated that he has never made a report to either local Law Enforcement of Border Patrol, but Lopez states that his mother apparently made a report with Rio Grande City Police Department. LOPEZ states that when he checks his property he gets off of his truck and looks around in all of the buildings and brush. LOPEZ stated that he was driving a maroon GMC truck, and he didn't see any other vehicles in and around his property today.

MATERIAL WITNESS STATEMENTS

Ricardo AYALA Quijada and Hilda Beatriz SAGUAY-Vizhco were advised of their Miranda Rights, stated they understood their rights and voluntarily stated that they were willing to give a sworn statement without the presence of a lawyer.

MATERIAL WITNESSES 1:

Ricardo AYALA-Quijada, a citizen of El Salvador, stated he was to pay \$3000 to be smuggled into the United States. He further stated he crossed illegally into the United States on July 23, 2015 and walked through the brush for about 20 minutes. AYALA stated the brush guide told them that a vehicle was going to be waiting for them to take them to McAllen, Texas. AYALA stated he made contact with the driver of a red for door pick-up truck who advised him and the others to follow his truck and not to get in to it yet. AYALA stated the driver gave them instructions to walk for a couple of blocks. AYALA stated they finally arrived at a lot where an abandoned house was located. AYALA stated the driver advised them to hide in the abandoned house until he came back and pick them up later. AYALA stated after a couple minutes one person in the group received a phone call stating that the person that guided them, Jose Ismael Lopez, was outside ready to pick them up. AYALA stated that the driver had a goatee and was wearing a blue shirt. AYALA was shown a photo lineup and identified the driver of the pickup truck as Jose Ismael LOPEZ.

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CONTINUATION:

Hilda Beatriz SAGUAY-Vizhco, a citizen of Ecuador, stated she was to pay \$8000 to be smuggled into the United States. She further states that her group traveled north from the river for about 20 minutes until reaching a house where a red truck was waiting for them. SAGUAY stated that one of the aliens from the group told them to follow the red truck. SAGUAY stated that they followed the red truck until they got to an abandon house and waited in there for about 30 minutes. SAGUAY stated that the same individual that advised them to follow the red truck told them "Get out the cars are outside". SAGUAY stated that when she emerged from hiding she saw immigration and decided to run. SAGUAY stated that she could identify the driver of the red truck, but only because one of the individuals in the group was talking with an immigration officer at the time they were arrested. SAGUAY stated that she overheard them talking about the driver of the vehicle. SAGUAY stated she looked over towards the driver and saw a fat man wearing a blue shirt. SAGUAY was shown a photo lineup and identified the driver of the red pickup truck as Jose Ismael LOPEZ.